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Voluntary Public

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List of Permissible Food Packaging Sizes Expanded

Report Categories:

FAIRS Subject Report
Trade Policy Monitoring
Exporter Guide
Beverages
Coffee
Oilseeds and Products
Retail Foods

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Report Highlights:

On June 6, 2013, the Government of India, Department of Consumer Affairs published a notification in the Gazette of India, amending the [Legal Metrology \(Packaged Commodities\) Rules, 2011](#). The legal metrology rules have been amended, such that permissible units of weight, measure or number of specific products and product groups have been expanded, i.e., the list of quantities in which products may be packed is now broader.

General Information:

On June 6, 2013, the Government of India, Department of Consumer Affairs published a notification in the Gazette of India, amending the [Legal Metrology \(Packaged Commodities\) Rules, 2011](#). The Legal Metrology (Packaged Commodities) Amendment Rules, 2013 have not been notified to the WTO. Moreover, the announced amendment does not provide for a specific comment period for domestic stakeholders.

The amendment includes additions to and deletions from Rule 2, 3, 18 and 32, which deal with provisions relating to: (i) retail and wholesale packages; (ii) retail and wholesale dealers; (iii) penalty for contravention of rules. A summary of the relevant amendments is given below.

- i. The explanation defining the “industrial” and “institutional” consumers in Rule 3 has been deleted. Instead, an additional clause defining the same has been inserted in Rule 2, after clause (b).
- ii. The proviso given under Clause (k) defining retail packages has been deleted.
- iii. In rule 32, a new sub-rule (3) has been added to include the table on sum of compounding of offences.
- iv. A change in units of weight, measure or number of specified quantities of certain commodities has been made.

Practical Impact of the Amendment

The “Second Schedule” of the legal metrology rules has been amended, such that permissible units of weight, measure or number of specific products and product groups have been expanded, i.e., the list of quantities in which products may be packed is now broader:

- Weaning food may now be packed in 75-, 100-, 125-, 150-, 200-, 250-, 300-, 400-, 500-, 600-, 700-, 800-, 900-gram and 1-, 2-, 5- and 10-kilogram packages.
- Biscuits (cookies in American English) may now be packed in 25-, 50-, 75-, 100-, 150-, 200-, 250-, 300-, 350-, and 400-gram packages and thereafter in multiples of 100 grams up to 1 kilogram.
- Coffee may now be packed in 25-, 50-, 100-, 200-, 250-, 500-, and 750-gram and in 1-kilogram or multiples of 1-kilogram packs.
- Tea is now permitted to be packed in units smaller than 25 grams with no restriction, and in sizes of 25-, 50-, 75-, 100-, 125-, 150-, 200-, 250-, 500-, 750 grams, as well as 1-, 1.5-, 2-kilogram and larger in multiples of 1 kg.
- Materials which may be constituted or reconstituted as beverages may now be packed in 25-, 50-, 100-, 125-, 200-, 500-gram packages, and thereafter in 1-kilogram packages or in multiples of 1 kilogram.
- Edible oils, including vegetable oils as well as *vanaspati* (ghee) and butter oil, may now be packed in units smaller than 50 grams without restriction, and in sizes of 50-, 100-, 175-, 200-, 300-, 500-, and 750 grams, as well as 1-, 2-, 3- and 5 kilograms or multiples of 5 kilograms.
- Aerated (carbonated) soft drinks and non-alcoholic beverages remain unchanged in terms of pack size, but the restriction "in cans only" for 330-milliliter size containers is deleted.

The full text of the amendment as given in notification G.S.R. 359(E) is also attached below.

Details of notification G.S.R. 359(E)

Date of Publication: June 6, 2013

Date of Implementation: Immediate

Comment period: Comments have not been invited

WTO notification number and date: Not yet notified (as of June 19, 2013)

Agency in-charge: GOI, Ministry of Consumer Affairs, Food and Public Distribution

(ग) क्रम संख्या 7 के सामने "500 ग्रा." अंक और शब्दों के पश्चात् "750 ग्रा." अंक और शब्द अन्तःस्थापित किए जाएंगे;

(घ) क्रम संख्या 8 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—
"25 ग्राम से कम पर कोई प्रतिबंध नहीं, 25 ग्रा., 50 ग्रा., 75 ग्रा., 100 ग्रा., 125 ग्रा., 150 ग्रा., 200 ग्रा., 250 ग्रा., 500 ग्रा., 750 ग्रा., 1 कि.ग्रा., 1.5 कि.ग्रा., 2 कि.ग्रा., और उसके पश्चात् के 1 कि.ग्रा. के गुणज में",

(ङ.) क्रम संख्या 9 के सामने, "100 ग्रा." अंक और शब्दों के पश्चात् "125 ग्रा." अंक और शब्द अन्तःस्थापित किए जाएंगे;

(च) क्रम संख्या 10 के सामने:—

(i) "5 कि.ग्रा. के गुणज" अंक और शब्द के पश्चात् 50 ग्रा. से कम पर कोई प्रतिबंध नहीं, 175 ग्रा., 300 ग्राम., 750 ग्रा. अन्तःस्थापित किए जाएंगे;

(ii) "के आकार में किया जाएगा" शब्दों के पश्चात् "50 मि.मी., से कम पर कोई प्रतिबंध नहीं, 175 मि.मी., 300 मि.मी., 750 मि.मी., अंक और शब्द अन्तःस्थापित किए जाएंगे।

(छ) क्रम संख्या 12 के सामने "2 कि.ग्रा." अंक और अक्षर के पश्चात् "2.5 कि.ग्रा., 3 कि.ग्रा." अंक और अक्षर रखे जाएंगे;

(ज) क्रम संख्या 16 के सामने "(केवल केन में)" कोष्ठकों और शब्दों का लोप किया जाएगा।

[फा. सं. डब्ल्यू एम-10(6)/2013]

मनोज कुमार परीडा, संयुक्त सचिव

टिप्पण:— मूल नियम भारत के राजपत्र, आसाधारण, भाग II, खंड 3, उप-खंड (i) अधिसूचना संख्या सा. का. नि. 202(अ), तारीख 7 मार्च, 2011 के द्वारा प्रकाशित किए गए थे और उनका अधिसूचना संख्या सा.का.नि. 426 (अ) तारीख 5 जून, 2012 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

NOTIFICATION

New Delhi, the 6th June, 2013

G.S.R. 359(E).— In exercise of the powers conferred by sub-section (1) read with clause (j) of sub-section (2) of Section 52 of the Legal Metrology Act, 2009 (1 of 2010), the Central Government hereby makes the following rules further to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely :—

1. (1) These rules may be called as the Legal Metrology (Packaged Commodities) Amendment Rules, 2013.
- (2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.
2. In the Legal Metrology (Packaged Commodities) Rules, 2011
- (a) in rule 2,—

- (i) after clause (b), the following clauses shall be inserted, namely :—
- (bb) " industrial consumer" means the consumer who buys packaged commodities directly from the manufacturer for use by that industry;
- (bc) "institutional consumer" means any institution which hires or avails of the facilities or service in connection with transport, hotels, hospitals or such other service institutions which buy packaged commodities directly from the manufacturer for use by that institution;
- (ii) in clause (k), the proviso shall be omitted;
- (b) in rule 3, the Explanation shall be omitted;
- (c) in rule 18, after sub-rule (7), the following sub-rule shall be inserted, with effect from 1st day of July, 2013, namely :—
- "(8) (1) All the marketing companies, manufacturers, packers, importers or distributors of Liquefied Petroleum Gas cylinder shall maintain a check weigher or non-automatic weighing instrument, digital or analogue, of Accuracy class-III (Max. 50 kg, e=10g) to check the weight of the Liquefied Petroleum Gas cylinder.
- (2) The marketing companies, manufacturers, packers, importers or distributors referred to in sub-rule (1), shall provide to the delivery man to measure or weigh the correct quantity of the Liquefied Petroleum Gas cylinder.
- (d) In rule 32, after sub-rule (2), the following sub-rule shall be inserted, namely :—
- "(3) Sum of compounding of offences.— The sum of compounding of offences committed under the said Act shall be as specified in the following Table, namely:—

TABLE

Sr. No. (1)	Offence (2)	Compounding amount (3)	
		If the application for compounding is by retailers or wholesale dealers	If the application for compounding is by manufacturers or importers
1.	Contravention of section 29	Rupees two thousand	Rupees ten thousand
2.	Contravention of sub-section (1) of Section 36	Rupees five thousand	Rupees twenty five thousand
3.	Contravention of sub-section (2) of Section 36	Rupees ten thousand	Rupees fifty thousand
4.	Selling of products for more than the maximum retail price	Rupees two thousand	Rupees five thousand

- (e) in the Second Schedule, in column (3),—
- (a), against serial number 2, after the figures, letters and word, "5 kg and 10 kg", the figures and letters "75g, 125g, 150g, 250g," shall be inserted;
- (b) against serial number 3, after the figures and letter, "300g", the figures and letters "350g, 400g" shall be inserted;
- (c) against serial number 7, after the figures and letter "500g", the figures and letter "750g" shall be inserted;

- (d) against serial number 8, for the entry, the following entry shall be substituted, namely :—
"Below 25g no restriction, 25g, 50g, 75g, 100g, 125g, 150g, 200g, 250g, 500g, 750g, 1kg, 1.5kg, 2kg and thereafter in the multiple of 1kg";
- (e) against serial number 9, after the figures and letter "100g", the figures and letter "125g" shall be inserted;
- (f) against serial number 10,—
- (i) after the word, figure and letters "multiple of 5kg" the words, figures and letters "below 50g no restriction, 175g, 300g, 750g" shall be inserted;
 - (ii) after the word "numerals", the words figures and letters, "Below 50 ml no restriction, 175 ml, 300 ml, 750 ml" shall be inserted;
- (g) against serial number 12, after the figure and letters "2kg" the figures and letters "2.5kg, 3kg" shall be inserted;
- (h) against serial number 16, the brackets and words "(in can only)" shall be omitted.

[F. No. WM-10(6)/2013]

MANOJ KUMAR PARIDA, Jt. Secy.

Note:—The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 202(E), dated the 7th March, 2011 and last amended, *vide*, notification number G.S.R. 426(E), dated the 5th June, 2012.

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